

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

PAUL CHILDS,

Plaintiff,

v.

HOME DEPOT USA, INC., ET AL.,

Defendants.

Case No.: 2:23-cv-01045-DJC-CSK

VDRP REFERRAL ORDER

On June 2, 2023, Defendants Home Depot USA, Inc. and Romanoff Floor Covering, Inc. removed this action from the Superior Court of California for the County under the 28 U.S. Code § 1441: Petition for Removal–Breach of Contract. (ECF No. 1.) Thereafter, on June 14, 2023, Defendants filed an Answers to the Complaint. (ECF Nos. 5 and 6.) Parties have now filed a Joint Mid-Discovery Statement. (ECF No. 14.)

In the interest of avoiding the accumulation of fees and costs through potentially unnecessary discovery and motion practice, and to allow the parties sufficient time to pursue an early informal resolution of this matter, IT IS HEREBY ORDERED that:

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1 1. This action is STAYED for one-hundred and twenty (120) days, except as
2 set forth herein, and all previously set deadlines and hearings are VACATED pending
3 further order of the court.

4 2. If parties have not already made all initial disclosures required by Federal
5 Rule of Civil Procedure 26(a)(1), they must do so within fourteen (14) days of this
6 order.

7 2. The parties are directed to promptly meet and confer to discuss
8 settlement of this action. The parties must ensure that they have full authority to
9 negotiate and settle the case on any terms. Plaintiff should initiate settlement
10 discussions by providing a written itemization of damages and a meaningful
11 settlement demand that includes an explanation of why the demand is appropriate.
12 Defendant should respond with an acceptance of the offer or with a meaningful
13 counteroffer, and which includes an explanation of why the counteroffer is reasonable.
14 The parties should continue in this way until they reach settlement or have exhausted
15 informal settlement efforts.

16 3. If the parties have not been able to informally reach a settlement within
17 forty-five (45) days, the parties shall thereafter initiate participation in the court's
18 Voluntary Dispute Resolution Program ("VDRP") by contacting the court's VDRP
19 administrator, Sujean Park, at (916) 930-4278 or SPark@caed.uscourts.gov, and file a
20 notice on the court's docket stating they have contacted the VDRP administrator.¹

21 4. Counsel shall carefully review and comply with Local Rule 271, which
22 outlines the specifications and requirements of the VDRP.

23 5. No later than fourteen (14) days after completion of the VDRP session,
24 the parties shall jointly file their VDRP Completion Report, consistent with Local Rule
25 271(o).

26 ¹ The resources of the VDRP program are limited, and the parties are expected to make good faith
27 efforts to timely and fully exhaust informal settlement efforts prior to initiating participation in the VDRP.
28 The court will look with disfavor upon parties stalling or failing to participate in the above-mentioned
initial informal discussions, prompting potentially unnecessary participation in the VDRP and straining
the program's resources.

1 IT IS SO ORDERED.

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3 Dated: April 29, 2024

/s/ Daniel J. Calabretta

4 THE HONORABLE DANIEL J. CALABRETTA
5 UNITED STATES DISTRICT JUDGE
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